

IN THE SENATE OF THE UNITED STATES.

JUNE 12, 1858.—Ordered to be printed.

Mr. PEARCE made the following

REPORT.

[To accompany Bill S. 456.]

*The Committee on the Library, to whom was referred the joint resolution "to grant to the judges and solicitor of the Court of Claims the use of the Congressional Library, and for other purposes," report :*

That, in their opinion, it is inexpedient to extend the privilege of taking books from the library of Congress further than is now allowed by law.

The law of 1802 allowed no book to be taken out of the library, except by the President of the United States and by members of Congress for the time being. But this privilege has since been granted to all members of Congress, heads of departments, and diplomatic corps; to the judges of the Supreme Court of the United States; to ex-Presidents when in Washington; to the Secretary of the Senate and Clerk of the House of Representatives; and to the Solicitor of the Treasury—in all, more than three hundred persons. Besides this, the Supreme Court is authorized to allow the use of the books in the law department of the library to the attorneys and counsellors of the court during its sessions.

Thus it will be seen that the list of those who are entitled to take books from the library of Congress is very large; and the privilege is often abused by those who are entitled to it, using it for the supply of others than themselves and their own families.

Under the rules which were prescribed many years ago by the Vice President and Speaker of the House of Representatives, by authority of law, visitors are admitted to the library. Although these rules are silent as to the use of books by visitors, they are, in fact, allowed the use of the books by reading them while there, and the means of making notes of what they read are readily furnished. They are also cheerfully aided by the Librarian and assistants in making researches.

This is greater liberality than is usually practiced in great libraries, and much increases the labor of the Librarian and his assistants. But the number of books taken out of the library by parties entitled to do so is quite large, and, indeed, often so large as not unfrequently to impede very seriously the researches of those making extended inqui-

ries. This inconvenience increases with every addition to the number of privileged persons, and it has been so obvious to the Library Committee that they have long opposed all applications made for the extension of the privilege. These applications have been made on behalf of numerous officers of the general government, but for many years they have been invariably refused. The last addition to the list was made by Congress, without reference to the Committee on the Library, and without due consideration.

In regard to the books in what is properly called the law department of the library, their use is still more largely enjoyed since the act of 1832. This act authorized the justices of the Supreme Court to make such rules and regulations for the use of the same by themselves and the attorneys and counsellors of the court, during the sittings of the said court, as they shall deem proper. During the sessions of the Supreme Court, therefore, so many books are required by the judges, and used by the gentlemen of the bar attending the court, that members of Congress (notwithstanding there are many duplicates of certain works of general use) are frequently unable to prosecute satisfactorily the study of legal questions arising in Congress or in the course of their professional business. If the use of this department of the library were granted to the judges and solicitor of the Court of Claims the present inconvenience to members of Congress would be largely increased.

The committee, therefore, cannot recommend the adoption of the resolution referred to them, though, if the list of those authorized to take books from the library is to be extended, they know no functionaries of the government better entitled than the judges of the Court of Claims. They are very sensible that it is important to the Court of Claims to have the command of a select library of law books and of a complete set of statutes and public documents. They venture to express the hope that an appropriation may be made to purchase law books for this court, and they report a bill making an appropriation for this purpose, and providing them with a copy of the statutes and public documents, so far as the same can be obtained from such as are now on hand, as also with all that may be published hereafter, which they recommend as an independent bill.

From that part of the resolution which relates to the franking privilege the committee ask to be discharged, and they recommend that it be referred to the Committee on Post Offices and Post Roads.